



Community Television Review

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The future of access, CTR, and NFLCP

It's another cold winter night here in rural New England. Snow is falling fast and only the snowplow seems to be on the road. At times such as these, I spend many hours pondering the future of access and the path of the NFLCP.

The organization has provided me with so much guidance, so much challenge and so many dear friends. But 1988 will not be an easy year. Court cases abound, cities face modification requests, and our own finances are still on less than solid footing. At the same time, I hear about so many fine access centers and L.O. operations and so much good programming that brings greater meaning to community life. I also have the pleasure of chairing a fine Board of Directors, which is

committed to the ideals of the NFLCP, creative in outlook and willing to work hard to bring us fiscal stability.

Whether we run an access center or manage the NFLCP, one of our toughest jobs is to serve a diverse audience with competent and useful services on a modest budget. For the NFLCP, in particular, that means coming to terms with our finances and taking positive steps to not only erase the long standing deficit, but build a sound and flexible financial base. By now, you have all received the Board's letter outlining some of the steps being taken to achieve financial success. This CTR, in its new format, is just such an example. By bringing you this bi-monthly publi-

cation, which combines the old CTR and newsletter, we will be trimming about \$30,000 from the budget. Our aim is to use funds more efficiently, yet bring our members the level of service they need and deserve.

As we work together to protect access and further strengthen the NFLCP, remember that the Board and the staff represent your needs and interests. Each one of us is prepared to listen to your ideas, criticisms and input. Please stay in touch and I wish you all well.

Sincerely,
Sharon Ingraham,
Chairperson

NFLCP public policy committee report

Legislative Advocacy

The Congress will be looking closely at cable issues in 1988: Members of Congress have introduced several cable-related bills, but the focus will be on the House Subcommittee on Telecommunications and Finance, in February. The NFLCP has been working to encourage Members of Congress to consider the future of public, educational and governmental access, and will testify at the hearings on the status of PEG access, and on ways in which the Cable Act's objectives for access could be strengthened.

The Subcommittee, which is chaired by Rep. Edward Markey, will review the implementation of the Cable Communications Policy Act of 1984, with the limited objective of "building a record" for reference in later years. Some people insist that, since the Cable Act has been in effect for just three years, it's still too early to entertain substantive changes. Others argue that cable operators' First Amendment claims have undermined the assumptions on which the Cable Act was based, indicating a need to reconsider the nation's public policy on cable communications.

The future relationship between the tele-

phone and cable industries must be the most significant cable issue. The Federal Communications Commission has been considering this issue, and might recommend that Congress approve significant changes from the current policy (which limits the telcos' involvement in cable services). Any of several policies are possible; the least likely is "no change."

Legal Advocacy

Several major cable franchising cases are "in the pipeline" to the U.S. Supreme Court, which eventually will decide on the constitutionality of cable franchise requirements. Cable operators have challenged the franchising authorities in Los Angeles, Palo Alto, and Santa Cruz, CA and Erie, PA; of these, the Palo Alto case could be the first to reach the Supreme Court.

In June 1986, the Supreme Court stated that cable services "clearly implicate First Amendment interests" but that "where speech and conduct are joined in a single course of action, the First Amendment values must be balanced against competing social interests." This clearly means that since Congress allows

the cable business to combine video programming (speech) and video distribution (conduct), cable's First Amendment rights "must" be restricted — to some degree — to protect the public interest.

The NFLCP regards PEG access as the essence of the public interest in cable, and wants the Supreme Court to confirm the constitutionality of access requirements. Franchisors (as defendants) will defend their support of access, but access advocates (as friends of the court) could present the most complete and persuasive arguments for access, and should do so.

The NFLCP has filed friend of the court briefs on several occasions. Recently, several larger access corporations have formed a litigation group, the Alliance for Communications Democracy, for this important purpose. (The chairperson of the NFLCP's Public Policy Committee serves as an *ex officio*, non-voting member of the Alliance's governing body.) When the Supreme Court hears these cable franchising cases, we will look to the Alliance to "make the case for access."

Dial-a-byte: a telecomputing primer

By L.A. Caskey

With this issue, we begin a new department in CTR. Leigh Caskey and her colleagues at Ferris State College specialize in explaining computer applications to the new (and scared) user, with special attention to the needs of community programmers. Welcome to "The Computer Corner!"

To most video professionals, telecommunications means television. But, with the coming of the computer age, the term "telecommunications" has taken on an additional meaning, one that we will also have to become familiar with. In the world of computers, "telecommunications" is the transmission of information in any form over telephone wires. The form of the information can include voice, text, numbers, computer software, pictures, video or a combination of these. This "swap" of information can range from a simple transmission between two computers to sophisticated teleconferencing involving multi-point access and distribution.

Telecommunications (the computer kind) that involves most access centers and private users is the use of the microcomputer as a terminal for communicating with another computer. In this process an ordinary terminal can display text sent to it from another computer and transmit text typed at its keyboard. An intelligent terminal has the ability to store and process data as well as transmit data stored within it. A microcomputer used as an intelligent terminal can access an application program on a large computer, transmit data to another microcomputer, access a commercial or public data base system, or access a microcomputer bulletin board (such as the one offered by the NFLCP).

Unlike most other computer activities (word-processing, data base management, spreadsheets), telecommunications requires additional hardware to function, a modem. A modem is a device for converting computer data into audio tones for transmission over telephone lines. The term "modem" is a contraction of "modulation" and "demodulation." Modulation is the conversion of the computer signals into audio tones; demodulation is the reverse process.

EQUIPMENT

When transmitting data using telephone lines, each computer attaches to the telephone system with a modem. The modem may be in a box separate from the computer, or the modem may be inside the computer. Regardless of location, each computer must have a

modem.

In order for a pair of modems to operate successfully (or in order for two computers to talk to each other), both modems must speak the same code or protocol, and send data at the same speed. Most modems today use the same code or protocol (Watch out for "good" deals from Europe.); however, all modems do not communicate at the same speed. But, many modems currently on the market are capable of communicating at a selection of speeds.

SPEED

Baud or the baud rate is the measurement used in the speed of data transmission. A baud is an approximation of the number of bits transmitted per second between computers. The most common baud rates in use today are 300, 1200, and 2400. In practical terms this means the transmitting of about 30, 120, and 240 characters (letters or numbers) per second. Many older and less expensive modems operate at 300 baud. The current standard on most public bulletin boards is 1200 baud, while most of the more expensive commercial services run at 1200 or 2400 baud. As higher speed modems become less expensive and fast data transmission becomes less susceptible to interference, the speed will probably increase.

Currently most fast data transmissions are susceptible to interference which can damage the information transmitted. This has led the creation of data communications software which can recognize damaged data and retransmit it.

COMMUNICATIONS SOFTWARE

Just like the way a spreadsheet software program is necessary to create a budget, the telecommunications capability needs a software program to control both the modem and the communication protocol used to transmit and receive information. Like modems, the communications software programs in use with each computer must speak the same code or protocol. The protocol determines when to send data, the format of the data, and determines if transmission is successful. This does not mean everyone has to use the same software, most programs (even public domain programs) are compatible.

Computerized communication software is far more than just "computer talking to computer." A good communications program is judged on three standards: how well it protects the integrity of the data transferred; how versatile it is in communicating between computers of like and unlike data structure; and how well it fits the user's activity profile.

To put all that another way, are you (as a user) comfortable using the program and satisfied with the results?

Most communications programs perform a variety of functions. The software may be able to emulate a terminal, dial a telephone, control communications parameters, set transmission protocol, recognize damaged data, and transmit/receive files. These (and many other operations) are available to a greater or lesser extent in communications software programs and are discussed in general terms in the following sections.

Terminal emulation is the ability of a computer program to assume capabilities of a terminal attached to a large computer system. If the user needs or wants to use a microcomputer as a terminal to a larger computer/mainframe, this could be an important feature.

Automatic dialing: The telephone must be dialed for the two computers to establish a communications link using the telephone system. Manual dialing is required if either the modem or the communications software is incapable of automatic dialing. If both have automatic dialing capabilities, the process of contacting another computer can be automated by entering the telephone number and the communications parameters into the communications program. This is a relatively common feature and very helpful. (There are public domain programs that can add the automatic dialing function to communications software in cases where the modem is capable, but the software is lacking.)

Data communications parameters: It is necessary for the communications software at each end of the data communications link to be configured the same way. If the data communications parameters of the two systems are configured differently, the computers cannot communicate. The necessary parameters include:

- Baud rate or data transmission speed.
- Parity of odd, even or none. (Parity is the coding system used to detect errors introduced into text sent from one computer to another. For example, using 8 data bits requires a parity of none.)
- Start and Stop bits of 0, 1, or 2. (A start bit precedes each character transmitted, a choice of 0, 1, or 2 stop bits follows each character transmitted. Stop bits help the receiving computer to keep incoming information properly organized. The most frequently used stop bit is 1.)
- 7 or 8 Data bits. (Data bits carry the information being transmitted. Usually micro-

continued next page



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computer bulletin boards require the use of eight bits and the larger computer systems usually require the use of seven bits.)

Transmission Protocol: Data can be transmitted between microcomputers using ASCII, XMODEM, KERMIT, or other protocol. ASCII is the usual data transmission method used for communicating text. XMODEM and KERMIT are data transmission protocols which automatically detect data transmission errors and retransmit the portion of the data containing the error. XMODEM is probably the most widely-used protocol for communications between microcomputer systems. KERMIT is more commonly found in communications between microcomputers and larger computer systems; it is extremely common in educational settings. Some communications software automatically adjusts to the protocol setting used by the other computer. (KERMIT version 2.29, KERMIT-MS version 1, XMODEM version 1.2, and other similar programs are available on the Ferris Academic Computing Bulletin Board and from other bulletin boards and user groups around out the country.)

FILE TRANSMISSION & RECEPTION

Communications software can transmit complete files consisting of data, text or programs from one computer to another. The process of moving a file from a remote computer to a local one is called downloading. The process of moving a file from a local computer

to a remote computer is termed uploading.

SCREEN CAPTURE

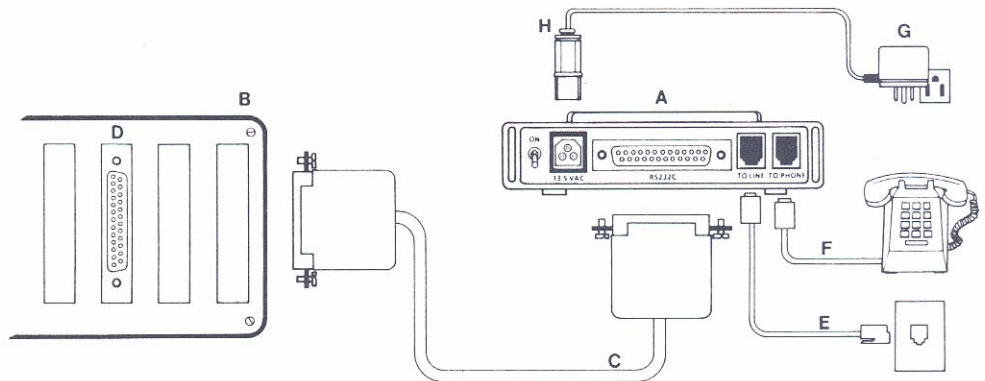
Most communications programs can capture text displayed on the computer screen while linked to a remote system and save the text to a file. Screen capture is a useful tool when contacting another system for the first time. After communication is terminated, the file containing the recording of the session can be examined at a leisurely pace. This procedure cuts down phone bills significantly.

REACH OUT AND BYTE SOMEONE!

Computers are fun and computers with modems are even more fun. If you have been confused about the strange language of telecommunications and modems, I hope this brief overview has answered some of your questions and encouraged you to take the step into a larger computer world.

If you want to try out your modem among friends, call the NFLCP Bulletin Board. Set your software at 300 or 1200 baud, 8 data bits, 1 stop bit, no parity, then dial 217-359-9118. The computer will take it from there!

L.A. Caskey is an Instructor in the Department of Telecommunication, School of Education of Ferris State College in Big Rapids, Michigan. The author gratefully acknowledges the assistance of the Academic Computing section of Ferris State College and the Boston Computer Society.



Adding a modem to your computer's hardware is usually a simple operation. In the above diagram, an external modem is being connected to a computer's serial port.

Data flows from the serial port (D) to the modem(A), where it is translated into audio tones.

These tones then are passed over phone lines (E) to the computer at the other end of the line.

Getting a piece of the franchise fee pie

By Pat Torn

This article is dedicated to Bill and Denise Makley, who gave birth to the miracle of public access television in Albuquerque, NM.

In January 1987, the founders of public access in Albuquerque, were sent off to a new beginning in Australia with what has become known as the "Big Bash." The "Bash" turned into a celebration rather than a farewell, a celebration of the success of a strongly-funded and growing access center in Albuquerque thanks to "Guru Bill" and "Amazing Gracious Denise."

The Makleys expressed to that gathering a feeling of fulfillment and completion. After struggling along with other committed individuals and groups for seven years, Quote...Unquote Inc., Albuquerque's non-profit public access organization, had financially grown from a City allocation of zero dollars in 1979, to \$50,000 annually in 1984, to \$175,000 in 1987 (with a five percent annual increase for the next twelve years).

Getting a significant slice of the franchise fee pie was, quite simply, a necessary miracle for access' survival. It is my personal goal in writing about the "Albuquerque miracle" that your community may glean bits of information and strategy which may be applied to create your own unique franchise fee success story.

The Makleys and others in Albuquerque proved that the main ingredients for success are these:

1. A strong commitment to giving viewers in the community the opportunity to hear and see a great diversity of voices on cable tv.
2. The capability for these community voices to present their views, services and arts on a public access cable television channel.
3. The thorough mixing of those first two ingredients with healthy measures of patience and perseverance.

This will be your starter miracle "dough." Other ingredients may be added as "kneaded." (Ouch!)

THE FIRST SUCCESS

The first attempt at producing City financial support for access in 1983 came very close to defeat. A resolution submitted by then-City Councilor (now President of Quote...Unquote's Board) Bob White narrowly passed by a five to three vote. It is now part of our mythology that the fifth vote cast by a "not so sure" councilor was done so out of respect for Councilor White's last night on the Council.

The resolution passed that night reads, in part, as follows:

WHEREAS, financial support for non-commercial access is essential to fully utilize the benefits of cable television to subscribers and the public at large; and

WHEREAS, the burden of the franchise fee is passed onto the consumer as part of the price of cable television services, it is deemed appropriate to use some of the franchise fee proceeds earned by the City from cable television for such financial support; and

WHEREAS, the Albuquerque Cable Television Advisory Board has recommended that the City provide support for non-commercial public access programming; and

WHEREAS, the City of Albuquerque, by virtue of its franchise agreement with Albuquerque Cable Television, Inc., receives substantial revenue as franchise fees and potentially will receive such fees from other franchises; and

WHEREAS, Since such fees are indirectly paid by subscribers of cable television within the City, it is appropriate that part of such revenue be spent...to enhance the services received by such subscribers,

BE IT RESOLVED BY THE COUNCIL...: that \$50,000 is hereby appropriated from the general fund to finance non-commercial public access cable television programming services for the City.

While several of the City Councilors did not feel that the enthusiasm and commitment of public access advocates justified the allocation of \$50,000 a year, the passage of this resolution laid the groundwork for the solid commitment to be made in the future.

Throughout the next thirty months, the \$50,000 made it possible to keep the doors open and provide miserably low wages for a small overworked staff. While the number of people being trained increased, a very small proportion were able to complete programs for the channel. Equipment breakdowns, lack of equipment, inadequate staff assistance and lack of consistency due to high staff turnover (caused by the low pay and long hours) all contributed to the low program completion rate. Fundraising efforts, while successful, were sporadic, also because of the staff turnover. In the end, it was a miracle in itself that any community programming was produced in the midst of such turmoil.

OUR BIG CHANCE

In the spring of 1986, our second chance
continued on next page

NFCLP's Executive Director

Peter Solomon is the Executive Director of the NFLCP. He has held that position since August 1987. Prior to his position at NFLCP, Solomon served as an independent management consultant. His consulting practice was geared towards empowering entrepreneurs and small business people with sophisticated



Peter Solomon, the NFLCP's new executive director.

management tools. He worked extensively with the North Carolina Small Business and Technology Development Center. At NCSBTDC he implemented a new business feasibility assessment program, helped entrepreneurs develop comprehensive business plans, and identified sources of venture capital for small business in that state.

Before returning to graduate school, Solomon served as Program Director for the Flushing Boys Club, an affiliate of Boys Clubs of America. Several of the programs he developed have been used as models by this national organization. He also served as Program Director for YMCA Camp Evergreen where he developed an innovative environmental education program for public school students.

Solomon received an MBA from the University of North Carolina at Chapel Hill in 1986 and a BA in communications from Antioch College in 1975. He has also done graduate work in Media Ecology at New York University. While at UNC he conceived and instituted a conference series on progressive management practices. It has since become an bi-annual program which features some of the foremost authorities on management.

at increasing City funding arrived. A transfer of cable system ownership was about to occur. The prospective owners requested a seven-year extension of the franchise agreement. This opened the door to renegotiating franchise fee payments, which in turn opened the door to earmarking some of those revenues for public access support.

A representative of the League of Women Voters (programmers on the channel) was brought into Quote...Unquote to provide a training session on lobbying strategies and techniques. Out of this session came a well-organized lobbying plan, which was then executed with exquisite timing.

The earmarking of \$175,000 for public access, with the 5 percent annual increases, breezed through the Council by a nine to zero vote. The same three Councilors who cast dissenting votes in 1983, as well as the "not so sure" Councilor, all cast affirmative votes this time. There seemed to be general amazement among the Councilors that so much had been accomplished with so little money.

Our "lobbyists" had openly discussed our problems with the Councilors, emphasizing how much more could be done with adequate funding. To support our claims, we provided them with data on access productiv-

ity in similar-sized cities where franchise fees had been partially allocated for access.

In addition, a concerted telephone campaign, aimed at large segments of the community, was conducted two weeks prior to the vote. Councilors, for the first time, began to see access as a vital part of Albuquerque.

In August 1987, one year after Quote...Unquote received its first substantial check from the City, public access programmers produced 89 hours of new programming, compared with 61 hours in August 1986. Training have also increased in number, and still have long waiting lists.

LEARNING FROM QUOTE... UNQUOTE

For preparing your own strategies, I offer these suggestions:

Become familiar with the sections of the "Cable Communications Policy Act of 1984" which deal with franchise fees and with public access. The law says that cities may use franchise fees in any way they please. (Prior to passage of the Cable Act, the FCC placed restrictions on franchise fee uses.)

Get a copy of Michael Meyerson's journal article in the *Georgia Law Review* entitled "The Cable Communications Policy Act of 1984: A Balancing Act on Coaxial Wires" (available through the NFLCP national office). Meyerson raises some provocative arguments as to the constitutionality of cable franchise fees for general fund purposes—

these same arguments have been brought up by federal judges since then.

Be prepared! Have a lobbying plan in place that can be executed on short notice. If you have a chapter of the League of Women Voters in your community, invite them in to conduct a training session.

Get your hands on information about other cities allocating franchise fees for public access and the productivity of those centers. A recent survey conducted by the National Association of Telecommunications Officers and Advisors is available through Catharine Rice at NATOA, (202) 626-3250. This survey looks at city use of cable franchise fees around the nation.

If your city has a Cable Commission, get to know its members and work with them.

Attempt to develop at least one strong elected official as a public access friend.

Get elected officials involved in programs on public access.

Stay up-to-date on all legal decisions being handed down on cable franchise fee use.

Demonstrate benefits to the community.

Identify un-met community needs.

If at first you don't succeed, try, try again.

Good miracle-making to you all, and remember to mix in the patience and perseverance!

Pat Torn is the Cable Television Officer for the City of Albuquerque, New Mexico.

1st Amendment Conference

The NFLCP and the United Church of Christ Office of Communications are co-sponsoring a conference concerning the First Amendment April 10-12, 1988.

The conference will be held at the National 4-H Center in Chevy Chase, Maryland, and is designed to bring together the many groups working toward telecommunications — both broadcast and cable — in the public interest. Speakers for the conference include Henry Geller, Ralph Nader, Andy Schwartzman, Joe Van Eaton, Michael Meyerson and Sue Buske.

A preliminary brochure should have reached most of you by now, and more details on workshops and speakers will be available soon. For more information, please call Sharon Ingraham at 617-897-8066 or Fred Johnson at 606-581-0033.

Special Thanks

Special thanks to Dave Bloch, *CTR's* former editor, who did a fine job as guest editor of this issue. One item missing from this *CTR* is Dave's "Videot" technical column, which will re-appear in future issues.

Thanks, Dave!

Hometown USA Video Festival

The NFLCP proudly announces a call for entries into the 11th Annual Hometown USA Video Festival. As in prior years, the competition is open to both community producers and media professionals.

There are over 30 separate categories in the competition with awards being broken down further into single program and series categories.

For programs to be eligible, they must have been cablecast between March 16, 1987 and March 18, 1988. Deadlines for entries in

the eleventh annual Hometowns is March 18.

This year's awards ceremony will be held in conjunction with the National Conference in Tampa, Florida.

Details and entry forms should be arriving at access centers and in producers' and NFLCP members' mailboxes in the very near future. If you would like additional copies, send your request to:

Hometown USA Video Festival
2026 N. Taylor St.
Arlington, VA 22207



Give your programs a double whammy! Enter the Hometown USA Video Festival!

Of cable, California, & the Supreme Court

By John Wolfe

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It's been well over a year since the U.S. Supreme Court, in its Preferred ruling, held that cable enjoys substantial First Amendment freedoms. But most industry legal experts say the intervening fifteen months have shed little light on exactly what is cable's First Amendment status.

Instead, the past year has been marked by numerous and sometimes conflicting federal court opinions which have thrown into the question the balance between a cable operator's free speech rights and the regulatory powers of the local franchising authority. And those questions become more urgent, industry officials say, as cities and cable operators struggle to set the ground rules for potential overbuilds.

"Nothing is settled," observes cable attorney Frank Lloyd. "We're still getting decisions all over the map."

In Preferred, the Supreme Court could not determine whether cable's First Amendment status prevents a city from awarding an exclusive cable franchise. But a host of recent court decisions have taken aim at key components of the franchising process, ranging from build-out requirements and technical standards to access channels and franchise fees.

The inevitable result is that the high court will once again be asked to draw the line between cable First Amendment protections and municipal regulators. And with several lower court opinions awaiting appeal, odds are that the Supreme Court will be presented with a test case fairly soon. "I think we've got about 18 months of uncertainty" before the Supreme Court steps in, predicts city legal advocate Nick Miller.

Most of the First Amendment challenges to franchising originate in California, where a consensus is emerging concerning exclusive franchising.

The most recent federal court decision, Group W Cable v. Santa Cruz, also underscores the trend in that state toward granting cable First Amendment rights on a par with newspapers.

On September 9, U.S. District Court Judge William Schwarzer ruled that Santa Cruz can not revoke Group W's franchise, which has since been acquired by Century

Communications. Schwarzer held that "unless cable television differs in some material aspect from the print media, the First Amendment standards that apply to newspapers apply with equal force to cable."

The case began when Santa Cruz refused to renew the franchise for the Group W system, instead soliciting new proposals and ultimately awarding a franchise to Greater Santa Cruz Cable TV Associates. Group W filed suit, challenging the constitutionality of the city's authority to award only one franchise and the conditions the city would impose on franchisees.

Guided by his newspaper analogy, Schwarzer permanently enjoined Santa Cruz from "interfering in the operation of Group W's cable television franchise" because the city's monopoly franchise policy violated Group W's right to speak.

Schwarzer also invalidated the universal service requirements, technical standards and access channel provisions of Santa Cruz's franchise ordinance. His ruling mirrors a decision earlier this month by Judge Eugene Lynch of the same court, who ruled that similar requirements in Palo Alto's franchise were unconstitutional. Earlier, Lynch had forced Palo Alto to grant a second franchise to a would-be overbuilder.

Those two cases were preceded by other decisions striking down various franchising provisions, including Preferred, which is back in the district court awaiting trial. Santa Cruz and Palo Alto are expected to appeal the rulings, which could put the cases one step away from Supreme Court review. Those appeals would be heard by the Ninth Circuit Court of Appeals, which ruled in Preferred that Los Angeles could not justify awarding a single cable franchise.

EXCLUSIVE FRANCHISING STILL AN ISSUE

In California, at least, the trend against exclusive franchises seems clear. But city officials note that those cases are binding only in that state, and they maintain that exclusive franchising can be justified by the limited capacity of rights of way and cable's alleged "natural monopoly status."

However, "the clear trend of the better-reasoned decisions" is away from exclusive franchising, observes Robert Bramson of the Farrow, Schildhouse and Wilson law firm, who represented Century Federal in Palo Alto and Century Communications in Santa Cruz. Since Preferred, the "natural monopoly" argument has been upheld only by the Eighth Circuit Court of Appeals, and then only within

the context of upholding a \$34 million anti-trust verdict against Tele-Communications Inc. in Jefferson City, Missouri. In Pacific West v. Sacramento, a jury ruled that the natural monopoly concept is a "sham" designed by city officials to justify economic demands on franchisees.

Craig Gehring, an attorney representing several California cities, disagrees. "There is at least substantial doubt as to whether competition is feasible among cable systems," Gehring notes. "If, in fact, in a particular community, cable is a natural monopoly, then the residents of that community are better off with one regulated cable company."

Many cable and city attorneys are keeping an eye on St. Paul, Minnesota, where the U.S. District Court is considering whether NorWest should be awarded a franchise to overbuild the Continental system there. That case, also brought by cable First Amendment attorney Harold Farrow, raises the same arguments already decided by the California courts. Many observers predict that the NorWest case may be a barometer of how well the California decisions will play in other federal courts.

Some observers view exclusive franchising as a floodgate which, when opened, will lead to challenges to a host of franchising hallmarks. "The logjam has centered around exclusive franchises," claims Bronson.

Indeed, the second generation of franchising lawsuits appears to have already arrived, and the jury is still out on a number of key franchising provisions.

With exclusive franchising in doubt, universal service requirements become an entrenched cable operator's "key protection" against unfair overbuilds and cherry-picking, notes Paul Glist, a Washington attorney who represents a number of Florida operators confronted with potential overbuilds. "There are a lot of people willing to take advantage of the current legal uncertainty to push for the right to overbuild."

But build-out obligations have been ruled unconstitutional in both the Santa Cruz and Palo Alto cases. Both of those cases, however, stand in conflict with the Pacific West decision in Sacramento. In that case, Judge Milton Schwartz ruled that ensuring universal cable service was a compelling reason for municipal regulation of cable. That conflict, Lloyd predicts, ultimately will be resolved by the Ninth Circuit.

Many say the key battleground over universal service will be in Florida, where a

continued on next page

new law outlaws second franchises which favor overbuilders over incumbent operators. Universal service is a chief component of that legislation, which is intended to prevent cherry-picking by overbuilders.

That law almost certainly will be contested on constitutional grounds. "I have no doubt that someone will challenge the law and cite the Palo Alto decision," Glist predicts. "We're anticipating that it will be tested," agrees Steve Wilkerson, president of the Florida Cable Television Association, which lobbied heavily in support of the bill.

The first test of the Florida bill likely will come in Riviera Beach, where overbuilder Telesat Cablevision has filed a federal lawsuit challenging the franchising process there. According to Telesat attorney Don Middlebrooks, Riviera Beach first refused to grant Telesat a franchise to build part of the market served by Comcast, then rewrote its franchising ordinance, in compliance with the new state law, to require any second operator to build out the entire area. As a result, Telesat also has challenged the constitutionality of the Florida statute.

Telesat is involved in other constitutional challenges to city franchising powers in Florida. In Plantation, for example, Telesat has sued the city in an effort to wire a planned development. Plantation previously had rejected Telesat's application to overbuild the entire area, which is served by American Cablesystems.

According to Middlebrooks, a definitive decision in Riviera Beach "may lay to rest" the Florida statute. If not, he predicts other opportunities to challenge the law may arise, since many communities are reworking their franchising ordinances to include universal service requirements.

ACCESS REQUIREMENTS

The recent district court decisions also cast doubt on the constitutionality of access channel requirements. While such provisions, authorized but not mandated by the 1984 Cable Act, are considered inviolate by many cities, the district court judges in both the Santa Cruz and Palo Alto cases held access requirements unconstitutional. Where access is concerned, Santa Cruz could not prove that "cable operators are entitled to less First Amendment protection than newspapers," Schwartz wrote.

Those two opinions, however, stand in stark contrast to a federal district court's April decision in Erie, Pennsylvania, upholding access channel obligations. In that case, Judge Glenn Mencer ruled access channels were "specifically considered" by Congress when it passed the Cable Act, that access is a "minimal intrusion" on cable's editorial freedom and "further secure(s) the foundation upon which the First Amendment is grounded—promotion of ideas."

But Schwarzer, in his Santa Cruz opinion, noted that Mencer was in conflict with Preferred. Indeed, Mencer "makes no mention of Preferred," Schwarzer chided.

American Television and Communications, which filed the Erie lawsuit, is expected to appeal Mencer's ruling to the Third Circuit Court of Appeals because of an adverse ruling on franchise fees. Should Mencer's ruling be upheld, there would be a conflict among circuit courts, ensuring Supreme Court review, several attorneys note.

FRANCHISE FEES

Franchise fees are the one key area of the franchising process currently subject to constitutional challenge but not, as yet, conflicting district court opinions. The only uncertainty appears to be on the amount cities legally will be able to assess cable operators for the right to do business. Erie is the only conclusive decision to date on franchise fees in excess of the cost of regulation. In that case, Mencer ruled that cities have a "fiduciary duty" to obtain "fair market value" for public rights of way. And since cable operates for a profit, the "First Amendment protections afforded the speaker are diminished," he wrote.

In Palo Alto, Lynch agreed that franchise fees in excess of the cost of regulation "are not *per se* unconstitutional." But he also indicated that those fees raise "unanswered questions," including whether the fees discriminate against cable as compared to other users of public rights of way. His decision is expected by year-end.

In Santa Cruz, Schwarzer also agreed that the city has the authority to assess a franchise fee. But the five percent fee charged by the city, he wrote, does not "bear any relationship to the fair market value of the right to use Santa Cruz property pursuant to a franchise." The fee, Schwarzer suggested, should be based on "an appraisal of the fair market value of the rights of way, easements and other entitlements to use" granted cable operators.

And another constitutional challenge to franchise fees is brewing in St. Louis, where St. Louis City Communications is challenging a host of franchise obligations. SLCC serves about 25 percent of the city, and claims that franchise fees charged by St. Louis are excessive and unconstitutional. That lawsuit, still in the preliminary stages, is in federal district court.

John Wolfe is the Washington Bureau Chief for CableVision Magazine.



This issue of *Community Television Review* is being generously sponsored by:

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YOU management, not time management

By Robert C. Reindl

"There's just not enough time to do everything! How can I get more time out of a day?"

This is the typical response I get when I ask groups what they want me to focus on in a time management presentation. A quick and easy solution would be to set your watch back as many hours as you'd like to save. I know that seems ridiculous, but so does the idea of adding more time to one's day.

Time is a paradox. Although the time you have is never enough, you have all the time there is! To complain about a shortage of time is an absurdity. Time is not a flexible commodity; it is a constant. The issue is not getting more time, but using the time available in the most meaningful way. Good time management is a matter of quality, not quantity. Since you cannot increase the overall quantity of time, your only choice is to concentrate on the quality of time.

So, it's YOU you're managing, NOT the time! Time is not adaptable, but people are. To be a good time manager, you must have control of yourself.

Research typically focuses on the following areas when discussing time management: disorganization, procrastination, short-term planning, daily priorities, interruptions, decision-making, delegation, work relationships, communication, and Too Much Work. For each of these, I will provide you a menu of techniques.

DISORGANIZATION

On the average, people lose 15 to 20 minutes per day trying to find things. Over one year's time, that is equivalent to two weeks of work. There's a tremendous cost in disorganization, but the thing that concerns me is this: How do you feel when you can't find things? A little frustrated? Who do you blame—yourself? Right!

Some useful tips on disorganization are:

Operate with a clean desk. Have only one project on your desk at a time. Create a spot for everything.

Systematize yourself. Make organization a habit. Reduce paperwork pollution. Respond on the same sheet if possible. Use your secretary effectively. Ask him/her to sort your mail according to urgency of response. Your secretary is also the person to help you establish a good filing system.

INTERRUPTIONS

Interruptions from pressure groups,

board members, clients or the Cable Commission are probably common occurrences during your work day. The cost of these interruptions can be high. For most of us, the average interruption takes six minutes—four minutes on the interruption and two minutes to get back to the task.

Here are some ways to control interruptions:

Assume it can wait. If the matter is important and urgent, you will hear about it again.

Renegotiate invisible contracts. Every time you let someone interrupt you, you set an invisible contract with that person. The same people repeatedly interrupt you because you continue to support their behavior. That's an invisible contract.

Ask, "Can we really do it in a minute?"

Take control through body language. Stand up with visitors. Don't put down your pen. Sit forward in your chair. If all else fails, ask them to come back later.

Note where you leave off when you are interrupted. This shortens the recovery time after the interruption.

PROCRASTINATION

People usually procrastinate because of the magnitude or unpleasantness of the task. But nothing is as difficult as it seems. Once you get a piece of any project completed, you will get a sense of accomplishment which will motivate you to continue plugging away.

To avoid procrastination, try some of the following tips (today!):

Bite the bullet—Begin! Put something down on paper and the rest will be easier.

Divide and conquer. Divide your work into smaller chunks and reward yourself along the way.

Prioritize. Determine what is important and stick to it. Ask yourself, "What is the best use of my time right now?"

Set intermediate deadlines. This will keep you working on schedule.

Avoid perfectionism. If you demand perfectionism in everything, you may never finish anything! And if you don't finish anything, you won't start something else—and procrastination continues.

PLANNING

Many people have a mental block about planning. It's too complicated, too time-consuming or too difficult for them. But planning is really a simple process of thinking systematically about the future. The return on your planning investment is 4 to 1; that is, for every 15 minutes you spend planning, you increase

productivity up to one hour.

Some useful planning ideas are:

Plan every week. Make it a habit.

Estimate the time it will take to complete a task you are planning.

Allow enough time, but not too much time. Parkinson's Law states that work expands to fill the time available. To avoid this, try the 80 percent rule: "The most effective and efficient level to carry planning, organizing and controlling activities is 80 percent of perfection." The added time and cost to bring a plan from 80 percent perfection to 100 percent is disproportionately high and usually unjustifiable.

Build in time you can't control. Plan for it. Never leave your office without planning the next day's activities.

DELEGATION

Ineffective delegation can prevent you from managing your time. For example, providing unclear instructions, being unavailable to monitor progress, or giving the wrong task to the wrong individual all can waste time for you. Delegation is sharing the responsibility to achieve the synergy of teamwork.

This includes delegating to volunteers. Many of us believe in the age-old myth that says you can't delegate to those you don't pay. This is not true! To be given responsibility is the number one motivator for volunteers. So, don't be afraid to delegate responsibility to volunteers. They expect it, want it, and deserve it!

When delegating, follow these important guidelines:

Give clear instructions.

Show you trust your staff. Establish the amount of work delegated through open negotiation and mutual agreement.

Monitor delegated work. Be available to answer questions. Support your staff's work quickly. Highlight the strengths and express all criticism constructively.

Never close the delegation process without asking for feedback. Are the instructions clear and realistic? Is the task feasible within the given time frame? Does the delegatee have conflicting responsibilities? Ask your staff to repeat back the information you provide them.

Beware of reverse delegation. William Oncken, Jr. wrote an interesting article for the Harvard Business Review entitled, "Who's Got the Monkey?" The main point was delegation should go forward (from you), not backward (to you). Staff have been known to work up crises, problems and excuses to reverse the delegation process. When staff or clients bring you a problem, your task is to help them

become good problem-solvers, not solve their problems for them.

PRIORITIES

Have you ever found yourself doing a lot of the not-so-important things to get them out of the way; meanwhile, putting the more urgent or important things aside? Your problem might be misunderstanding the different between what's important and what's urgent. What I find a lot of people doing is making a "to do" list, but failing to prioritize the items on that "to do" list.

It is important to differentiate between importance and urgency. All activities have some degree of importance and urgency, but urgency should not be the sole motivation to action. Use this list to sequence your priorities:

1. Important and urgent.
2. Important but not urgent.
3. Urgent but not important.
4. Not important nor urgent.

Keep your priorities dynamic. Inevitably, priorities will change, so setting priorities is a never-ending process. It is a balancing act where you must continually compensate for outside forces.

DECISION MAKING

Have you ever faced a situation when you had to make a decision, but for some reason, you decided to put it off for a while? The first step in decision making is to decide whether you need to decide; if you do, do it! Usually only 15 percent of the problems coming to

managers need to mature before action is taken, five percent should not be answered at all, and the remaining 80 percent should be decided upon right then.

Tips that will help you avoid this time waster are:

Know the 80/20 Rule. It states that if 20 percent of the information is critical to 80 percent of the outcome, and you have that information, then waiting or searching for the rest is counterproductive.

Shorten the time frame. Imagine you have 50 percent of the time allotted to make the decision. If you restrict your deadlines, you will prevent yourself from spending too much time supporting the decision you make.

Conquer the fear of failure. The only mistake you can really make is not to learn from the mistake you made!

WORK RELATIONSHIPS

You may be wondering why I include work relationships in time management. Think back to inharmonious relationships you've had with past or current co-workers. Did they waste your time? Of course they did! A machine works best when its individual parts run together smoothly. The same holds true for the work environment—the key to efficient production is a well-oiled machine.

The key is to make your staff feel important. Everyone wants to feel needed. Make sure everyone you work with feels she/he is the essential cog in the wheel of production. They soon will be!

COMMUNICATION

Most people don't think of communication in the realm of time management either. But think about it for a minute. How many times have you said to yourself, "If I had only listened better," or "I wish I had explained that more clearly from the start?"

Alec MacKenzie, a well-known time

management researcher, proposed that deviations from the agenda result from a failure to listen. Participants at meetings tend to speak off the topic when they have not been listening. Their speaking takes up half the wasted time; the other half is wasted by confused participants.

Ralph Nichols, another time management researcher, once said, "Ready, fire, aim, and you've missed the point." We tend to be so intent on what we want to say next in a conversation, that we fail to listen to what is being said. Listen, collect your thoughts, and then speak.

When giving directions, remind yourself that haste makes waste. Hasty orders are almost always confusing. It usually takes longer to correct any confusion than it would have taken to deliver them slowly in the first place.

Finally, when constructing memos, make them brief and concise. The shorter and clearer the message, the more efficient it will be. You won't waste time writing it, and your audience won't waste time reading it.

TOO MUCH WORK

The last time waster seems a reality. However, Too Much Work is not always out of your control. If you feel overloaded with work, try some of the following:

Avoid being hyperresponsive. The work that is pushed in your direction does not necessarily belong to you. Control the amount of work you are responsible for by learning to say no when it is appropriate.

Beware of the Simple Things Syndrome. Complete your major tasks first. You will feel more in control of your work if you are not overwhelmed by large, impending deadlines.

Delegate whenever possible. The organizing pie is a popular technique used by managers in my firm. Cut the piece of the pie that you feel you should do. Then determine who is most appropriate for the remaining pieces.

CORRECTION

In the article, "Public Policy: It's Time for States to Regulate Uses of Franchise Fees," on p. 24 of *CTR* Vol. 9, No. 1, an editing error resulted in the following sentence: "It also clearly would follow the earlier (1972-84) policy of the Federal Communications Commission that a *portion* of cable franchise fee revenues must be used only for cable-related purposes (FCC, 1984)." The italicized words were added, and should be deleted. *CTR* regrets the error.

NFLCP Bulletin Board

The NFLCP's computer bulletin board is a great way for you to stay up to date between *CTR* issues. Set your computer's modem for either 300 or 1200 baud, eight bits per character, one stop bit and no parity.

Then dial (217) 359-9118. The computer will take you from there.

You can even use the bulletin board to leave articles and information for *CTR*!

This issue of *Community Television Review* has been sponsored in part by a generous donation from George Stoney.

Contact the NFLCP for more information on how your donations and advertising support can make a difference in the future of *CTR*. Call or write the national office at our new post office box.



Electronic town meetings a reality in N. Carolina

By Barbara Leischner

An innovative governmental access program is allowing folks in North Carolina to participate in statewide town hall meetings without leaving their homes. Individuals are able to converse with governmental officials, express concerns, ask questions or give advice on a multitude of topics, as global as Nuclear Waste or AIDS, or as specific as Child Care Licensing.

This "electronic town meeting" is called the "Open Public Affairs Network," or OPEN/net. The series is produced by the North Carolina Agency for Public Telecommunications (NCAPT) in Raleigh. The shows are carried on more than fifty cable television systems in the state, and can also be by owners of home satellite dishes. In all, an estimated one million North Carolina viewers have access to the program.

OPEN/net has a unique format. Each week, one unedited hour of a videotaped public meeting is shown. These segments are taped using two cameras and a portable switcher. Then the show goes live to the small, two-camera studio, where the same public officials who spoke at the meeting are available for an hour of live call-in questions and comments from viewers. The program utilizes a professional broadcaster from a Raleigh station as host. NCAPT rotates this position between three or four people.

OPEN/net grew out of a 1982 grant from the Z. Smith Reynolds Foundation that enabled the NCAPT to study various means of increasing citizen participation in government. From their research findings, the Agency produced a three hour program called "Electronic Town Hall". This prototype program was distributed via satellite to 71 cable systems serving 116 North Carolina cities and towns. The pilot program, aired in March 1983, demonstrated that the citizens of North Carolina were interested in the issues that affected their lives, and eager to participate in the decision-making process.

Since March 1983, more than fifteen hundred citizens have talked to nearly three hundred state officials, including North Carolina Governor James G. Martin. November 1987 will see the celebration of OPEN/net's one hundredth show.

Ivy Hoffman, OPEN/net Assistant Director, indicated that "coordination and cooperation" were the key words in making this type of programming happen. She stated that it was necessary to have state officials, cable companies, commercial broadcast stations, and media services all working together.

"Fortunately, everyone has been extremely helpful and supportive in making OPEN/net work."

NCAPT spends about \$6,000 per week on OPEN/net programs. About two-thirds of the Agency's \$600,000 annual budget is appropriated by the state; the remainder is raised through a charge-back system by producing public service announcements and training tapes, and by videotaping conferences and meetings for state agencies. The Agency has also continued to receive some grant funding for OPEN/net, including a recent \$175,000 grant from the John and Mary Markle Foundation.

The most costly factor, and that creating the most difficulty in distributing OPEN/net, is the huge demand for satellite transponder time. OPEN/net was recently forced to move from Satcom 3R to a less accessible satellite, Westar 5. This move was due to a scarcity of single-block time slots (satellite operators prefer volume users). Since Westar's transmissions are weaker and the satellite contains no major full-time cable services, fewer cable operators are willing and/or able to aim a dish at it.

To try and solve the problem, NCAPT is currently in the process of offering an equipment grant of \$1,000 to any North Carolina cable system that will add the necessary satellite equipment and carry OPEN/net.

SHARING THE COSTS

A solution the Agency is investigating and promoting is the pooling of resources with other states. A consortium of states could buy large blocks of transponder time at a fraction of the cost-per-hour presently paid for OPEN/net.

NCAPT Executive Director Lee Wing told the National Assembly of State Telecommunications Directors that membership in a consortium of ten states, preferably from four different time zones, would cost each member state about \$100,000 per year. Transponder cost would be cut from a level of \$500 to \$800 per hour, to only \$115.

This type of resource pooling would allow for more diverse programming, such as the fifteen-program "State to State" series which was aired in 1986 and 1987. On November 7, 1986, a discussion of Nuclear Waste was conducted coast-to-coast. Its panel included Washington Senator Al Williams, New Hampshire Representative Phoebe Chardo and North Carolina Representative George Miller.

An estimated seven million households were able to view the program. The panel

received calls from California, Maine, Florida and many states in between.

In addition to OPEN/net and "State to State", NCAPT is planning to use the call-in interactive format to tackle illiteracy and health problems. Starting in February 1988, the Agency will produce a one-hour adult literacy program, and possibly using a second hour to focus on public health issues. It appears that once the telecommunication system is designed, developed and in place, the possibilities for interactive programming are unlimited.

OPEN/net has won two major awards within the past 14 months. The first award was received in December 1986—the Charles McCarthy Award for Outstanding Informational Program from the Council of State Governments. The second award was presented to OPEN/net in September 1987 by the Ford Foundation and the John F. Kennedy School of Government, who named OPEN/net "One of 10 in State Government Innovation."

For information on OPEN/net contact:

Ivy Hoffman

OPEN/net

NCAPT

116 W. Jones St.

Raleigh, NC 27603-8003

(919) 733-6341

CAREER OPPORTUNITY

Executive Director for Double Helix, a community based non-profit organization in St. Louis, MO. Double Helix operates:

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Double Helix is dedicated to social change by increasing community participation in media.

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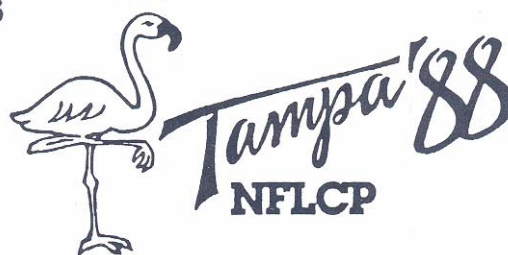
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Look for more details and convention registration materials
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New Membership Category

For a limited time, the NFLCP is offering a special rate to new members. A "grass-roots" membership is available to individual community volunteers and students. The dues for the first year are \$15.

This offer is good through July 1988. Use the form on the back to apply for membership today!

Constitutional debates available

By Joe Van Eaton

Two videotaped debates on fundamental issues surrounding the U.S. Constitution are being made widely available, including for use by local PEG access programmers.

Each tape comes with printed material which can be used to guide classroom instruction and to enhance tape use by libraries and civic organizations.

The tapes are edited versions of two forums in honor of the 1987 Bicentennial of the Constitution, sponsored by the League of Women Voters Education Fund and Project '87, a cooperative effort of the American Historical Association and the American Political Science Association.

The first debate, held in Philadelphia, brought together jurists and scholars, among them former U.S. Court of Appeals Judge Robert H. Bork, to consider the question of how judges can and should interpret the original intent of the framers of the Constitution.

The second debate addressed the concept of separation of powers among Congress, the executive branch, and the courts and how that concept is faring under pressure in today's

society. Panelists for the debate, held in Williamsburg, Virginia, included Shirley Hufst-edler, secretary of education in the Carter administration and Hedrick Smith, chief Washington correspondent for the *New York Times*.

The forums, videotapes and guides were financed by a grant from the Ford Foundation.

Video cassettes, which include one discussion guide, can be ordered from:

Constitutional Forum

Project '87

1527 New Hampshire Avenue N.W.,

Washington, D.C. 20036

(202) 483-2512.

A half-inch tapes costs \$35; a 3/4 inch tape costs \$50. The tape of the first debate is available now. The Williamsburg debate tape is expected to be available in March.

Additional discussion guides can be ordered for \$1.75 each (\$1.25 for League members) from:

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